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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,184	07/30/2003	Ira Neaman	2790/69225	3958
7590	06/02/2005		EXAMINER	
NORMAN H. ZIVIN Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036				PATEL, TAJASH D
		ART UNIT		PAPER NUMBER
		3765		

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/632,184	NEAMAN, IRA	
	Examiner	Art Unit	
	Tejash D. Patel	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,8-12 and 14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-2, 8-12 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 8-10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyung-Seob (US 5,903,928) in view of Rowan (US 2,011,325)

Hyung-Seob discloses a placket including a button strip having at least one button (2) fixed thereon and a substantially rectangular buttonhole strip (4) having at least one button-hole (3) positioned to receive the button, which has a dimensioned loop (14) fixed thereto as shown in figure 3B. Further, the loop of the placket is adapted to carry a spectacle item (20), which hangs therefrom as shown in figure 3C. Furthermore, both ends of the loop are fixed by being conventionally sewn to an edge/seam of the rectangular button strip as shown in figure 3B. However, Hyung-Seob does not show the loop being folded and hidden when not in use.

Rowan discloses a placket including a substantially rectangular button strip having at

least one button (3) fixed thereon and a buttonhole strip (2) having at least one button-hole (4) positioned to receive the button, which has a dimensioned loop (C) fixed thereto along a vertical edge as shown in figure 1. Further, the loop of the placket is folded and hidden when not in use, page 1, col. 2, lines 13-20 and as shown in figure 2. Additionally, the loop is fixed to the rectangular button strip, page 2, col. 2, lines 6-12.

It would have been obvious to one skilled in the art to form the loop of Hyung-Seob such that it is hidden when not in use as taught by Rowan, so that the use has the flexibility of using the loop to carry desired items as required for a particular application thereof. Furthermore, it would have been obvious that the loop of Hyung-Seob when viewed with Rowan can be secured to either the button strip or button-hole strip depending on the end use thereof.

With regard to claims 8 and 9 it would have been obvious that the loop of Hyung-Seob can have any desired configuration as required for a particular application or end use thereof.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyung-Seob in view of Rowan as applied to claim 1 above, and further in view of Zagorski et al. (US 4,966,322). Hyung-Seob discloses the invention as set forth above except for showing the loop being closable by hook and loop fastener.

Zagorski et al (hereinafter Zagorski) discloses a garment having a loop (4) that is closable by hook and loop material to secure a spectacle (5), col. 2, lines 28-36 and as shown in figures 1 and 5.

It would have been obvious to one skilled in the art at the time the invention was made to form the loop of Hyung-Seob when viewed with Rowan having hook and loop fastener as taught by Zagorski, so that the desired items secured to the loop are adjustably fastened thereabout.

Response to Amendment

4. The arguments and amendment filed on 3/17/05 has been considered and duly noted. In view of such, the amendment has necessitated this office action to be made FINAL based on the prior art of record and the arguments are moot.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (703) 872-9306.

May 25, 2005


TEJASH PATEL
PRIMARY EXAMINER